

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: MAURICE NOCK : Chapter 13

Debtor(s) : Bky. No. 09-18474 ELF


ORDER

AND NOW, WHEREAS:

- A. 11 U.S.C. §109(h)(1) requires that an individual may not be a Debtor in a bankruptcy case unless, **within the 180 day period before the filing of the bankruptcy petition**, the individual has received an individual or group briefing from an approved nonprofit budget and credit counseling agency as described in 11 U.S.C. §111(a) (“the Credit Counseling Requirement”);
- B. Fed. R. Bankr. P. 1007(b)(3) and Exhibit D to Official Form No. 1 (which must be filed with an individual debtor’s bankruptcy petition) require that a debtor also file either
- (i) a Prepetition Credit Counseling Certificate,
 - (ii) a statement that such credit counseling was received but the Certificate is not yet available,
 - (iii) a Certification of Exigent Circumstances under 109(h)(3), or
 - (iv) a Statement under 109(h)(4) that the Debtor is not required to receive prepetition credit counseling,
- C. In this case, the Debtor(s) filed a statement that such credit counseling was received and that the Debtor(s) possessed a copy of the Credit Counseling Certificate.
- D. The Credit Counseling Certificate subsequently filed by the Debtor(s) states, on its face that, contrary to the Debtor(s)’ earlier statement, he/she did **not** receive credit counseling before filing the petition.

It is hereby **ORDERED** that:

1. A hearing is scheduled on **December 8, 2009, at 1:00 p.m., in Bankruptcy Courtroom No. 1, U.S. Courthouse, 900 Market Street, 2d Floor, Philadelphia, PA 19107.**
2. At the hearing, the court will consider whether this case should be dismissed for failure to comply 11 U.S.C. §109(h).



Date: November 24, 2009

**ERIC L. FRANK
U.S. BANKRUPTCY JUDGE**

cc: Maurice Nock
372 Rosalie Street
Philadelphia, PA 19120